

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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RICHARD GLEN COLTER,

Plaintiff,

vs.

RAY LAHOOD, et al.,

Defendants.

2:11-CV-00630-PMP-RJJ

ORDER

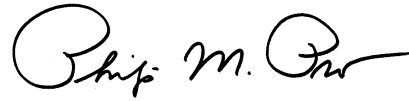
Before the Court for consideration is the fully briefed Motion of United States to Dismiss Plaintiff Colter's Amended Complaint (Doc. #42) filed October 5, 2011. Having read and considered the briefs filed by the Parties on Defendant's Motion, the Court finds that Defendant United States is entitled to the relief requested for the reasons set forth in Defendant United States' Motion (Doc. #42).

Specifically, the Court finds that Plaintiff Colter lacks Article III standing to assert the claims alleged in the Amended Complaint (Doc. #29-1) against Defendant United States. Additionally, the Court finds that it lacks subject matter jurisdiction to hear this case because none of the statutes or authorities cited by Colter reflect a waiver of sovereign immunity by Defendant. Moreover, Plaintiff Colter has failed to state a claim upon which relief can be granted under the Administrative Procedures Act.

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1 **IT IS THEREFORE ORDERED** that Defendant United States' Motion to
2 Dismiss Plaintiff's Amended Complaint (Doc. #42) is **GRANTED** and that
3 Plaintiff's Complaint is hereby dismissed with prejudice.

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5 DATED: December 7, 2011.

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PHILIP M. PRO
United States District Judge